G. S. IX.-5]
Various references.

Pleader

1920.

(Courts)

File No. 216-17

Serial Nos. 1 - 8.

Various references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1 to 8.

Part B for May 1920.

SUBJECT.

Batta to Witnesses.

To the Registrar, Chief Court.
No. G. 25695 of 10.8.20.

States that the question re the payment of batta to witnesses may be deferred for the present on account of financial stringency.

WD 225-GPB 20,000 1-6-21

G. R. S. 11] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 216-17.

FILE HEADING.

Batta to Witnesses.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P. T.

AD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Cts File No. 216 of 1917.

Serial No.

1) Extracts from Notes Orders in Cts 26-17, re payment of batta claimed by C.P.N. Martin for having attended the Amalgar Magistrate's Court at Salkeepur as a complainant.

2) A complainant in a criminal case is not a private complainant and gets batta always in B. India. The grounds for refusing batta are in my opinion wholly unjustified.

3) The case is a Govt case, if it is a non-bailable and non-compoundable offence.

4) Please put up rules re batta in criminal courts.

5) The present system is against the administration of justice if followed everywhere.

To A.R.B
7/1

6) The rules relating to the payment of batta in Criminal Courts are printed in pages 74, 75 & 76 of the Criminal Digest which is submitted herewith. Cr.P.C. of 1908 is also submitted herewith. Attention is, however, respectfully invited to the learned Chief Judge's note on the subject in the Dasara Representative Assembly. If approved, the rules on the subject will be taken up for revision in the light of the practice prevailing in Madras after consulting the Chief Court. The present practice here seems to be against the claim.

7) Submitted for favor of orders.

First Member

To Gs
7/11

NOTE—Contn. sheet.

ND 1253—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191

Jdis 1358-17

Serial No.

8) The present rules seem to be elastic enough. Poverty and inconvenience would seem to cover all cases in practice.

9) The inconvenience in this particular case was real & Batta & T.A should be allowed under the scale fixed.

10) The Madras & Bombay criminal rules of practice also Cochin and Travancore may be put up & revision of the rules worked up separately.

To. ARB.
8/1/18

11) Submitted.

The Madras and Bombay rules are put up; please see books put up.

The rules obtaining in Travancore & Cochin are not available here. A draft letter Supdt, Govt Printing, in the two States, requesting to be supplied with copies of their criminal Rules of Practice, is put up.

Sent 2/4

ARB 28/3

12) Issue

1. To. The Supdt, Govt. Printing, Trivandrum 28/3
Ernaculam no. J 3978-9 & 26.3.18

Requests to be supplied with a copy of the Criminal rules of practice in force there.

2 From The Supdt, Govt. Press no. 2567 & 3.4.18

Informs that the publication [illegible]

NOTE—Contn. sheet.

Serial No.

available in the Press for sale -

15) A copy of the ~~Civil~~ Cochin Criminal Rules of Practice since received in submitted.

16) A copy of the revised rules issued by the Madras Govt. in the matter is also put up.

K.V. 19/4

17) The reference put up indicate clearly that in practice in British India as well as the complainants' witnesses in non-bailable cognizable cases. The question being an important one, may the Chief Court be consulted in the matter ~~after~~ by specifically inviting their attention to the rules in force in British India. If no opinion is intended, perhaps merely the enclosures might be forwarded. Eg 19/4

Asst Registrar

3725/19.41

16) yes
cell
19/4

Dept
Eg
19.4

17) Draft submd.
K.V.
29/4

18) Issue
Eg
29/4

Sub A
4-5-41

3 From The Registrar, Chief Court no. J4414 dt 3.5.41

Requests to be favoured with the opinion of the Chief Court in the matter as also on the rules in force in the rules

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-15—S.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. 111-2]

General and Revenue Secretariat. | File No. 216 of 1917.

Serial No.	
4	From The Registrar of the Chief Court R.O.C no. 689 dt 11.5.18. Enquires if the subject referred to is not 96 of the Gen. Subjects of Oct 1917.
	Draft Subd. K.V. 14/5
	20) Issue 14/5
5	To the Registrar Chief Court no 4691 14th May 1918. States that the subject is no. 95 of the Gen. Subjects brought for discussion at the R.A. meetings of Oct 1917 and is shown as subject no. 15.
6	From The same officer no. 689 dt 29.6.18. States that the Chief Court has been collecting information on the subject.
	21) Subd for information. K.V. 3/7
	22) Submitted with a D.O. Reminder to the Regr Chief
	23) No reply has been received D.O. Reminder dated

CHIEF OFFICE
PROTECTION
10 MAY 1919

SUBJECT No. 62.

Batta to witnesses.

Messrs. Puttuswami Gowda, Malvalli taluk; Seenappa, Channabasavegowda and Javali Rudrappa, Hoskote taluk.

Summary of discussion.—In criminal cases, witnesses are subjected to much hardship and loss on account of the distance they have to travel and the number of times they have to attend the courts. Witnesses, attending Criminal Courts may therefore be given batta as in Civil Courts, the expenditure thereof being debited to Government in Government cases and recovered from parties in private cases.

Reply of Government.—Under consideration.

C.S. JUDICIAL
22 JUL 1918

23 A) Subst. The question has been referred to the Chief Court & their reply is awaited. This will be put up in the connected file

VN. 23/7

23/7

General and Revenue Secretariat. | Ch. File No. 216 of 1917.

Serial No.

25) draft reminder submitted

[illegible] 11-2-1919.

26) Issued D.M. 12/2/20

27) Submitted with a reminder, to the Registrar, Chief Court

[illegible] 24/11

28) Issued D.M. 5/2.

Please [illegible] with another reminder to Chief Court Reg. 19[illegible]

Extract from E.O. no. 98 of 19.2.20. J 27-2-1920 from E.A. Branch. Dt. 20-2-1920.

No. S. 4414/3-5-1918. The papers connected with the payment of Batta to witness in Criminal cases is being circulated among the Judges and a reply to Sir. will be sent as soon as the file is received back from the Judges."

29) Submitted for perusal & information

[illegible] 1-3-1920 [illegible] 8/3.

From,

The Registrar, Chief Court of Punjab

E.O.C. no 689/1917-18 dt 17 Mar 1920 recd on 17-3-20 states that the Judges are agreeable as in future batta shd. be paid (1) in cases in which the prosecution is instituted or carried on under the orders, or with the [illegible]

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. [illegible] of 191[illegible].

Serial No.

[illegible] circumstances mentioned herein
2) in cases entered in Cl 5 of the Sch II, Cri Pro-Code as not bailable &
3) in all cases in which the witness are compelled to attend by a magistrate under provisions of Ch XLII of the Code and that the rates fixed in G O no. S-3002-12/Ch 25 of 13 & 28th March 1908 may be adopted and that an allotment of Rs 20,000/- for the ensuing financial year will be required

30) Submitted for orders with reference to paragraphs 15 & 20 above

[illegible] in the [illegible] year [illegible]

48 Secy 22/9

22/9/20 Asst 24/3

Subd for orders.

31) The Registrar will give full information together with the opinion of the Judges. But considering the total sum required, it is for the Council to whether the questions may not be deferred for the present.

D. M. 29/9

53449 30/3/20

III Member -

32) Yes. May defer for the present in view of financial emergency

Secy 9/4

33) Mano Draft regd

D. M. 6/4/20

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

R. 8 [III-2]

General and Revenue Secretariat. | Ch File No. of 191

Serial No.

34) Left with A/A informing the chief Court accordingly
D.
14/4
Apr
1574

35) D. Sims
Dy.
29/4

8

To

The Registrar, Chief Court.

No. G. 25695 dt 10th May 1920.

States that the question re: the payment of batta to witnesses may be deferred for the present on account of financial stringency.

36) As the question was raised in the A/A of 1917 (subject no 55) (62 of October Sessions) this is sent to the R.A section for note and return.
Apr
1575

39) Noted & returned to the Courts Section, Protection Branch.
E
2/6/20

37) Please note this in the Note Book of references.
J.H.
1575

Noted
2/6
1575

38) noted & placed in Sub-file No. 62 of October Sessions
Ch
Dy. Secy. to Govt.
Judl. Dept.
2/6

4/6

B.
1-JUL 1920

x vide page 6.

Paid

NOTE—Contn. sheet.

No. 95.

Batta to Witnesses.

Opinions

The Chief Judge — This is a regularly recurring proposal, I think. I sympathize but do not see how the recovery of the costs is to be made practicable. Complainants would have to deposit batta as in civil cases and while this might keep out some frivolous complaints it might also keep out some genuine ones. In Police cases the Govt would have to pay the cost of securing the witnesses as it does now in Sessions courts this would have the effect of putting nearly all complaints of cognizable offences into the hands of the Police to start with, and though that would not be any great evil, it would entail heavy expenditure on the Govt. in witness batta. I do not think it is done in British India, but am not sure. If the Govt is favourably disposed, an estimate of the cost could be made with some trouble. In theory there should be little need for this because criminal courts of magistrates should be not far from the homes of the witnesses, but there may be cases in the first class magistrates' courts in which witnesses have to travel as far as they have to Sessions courts or nearly so. Perhaps some concession might be made to witnesses who have to leave their own District, as occasionally happens, or to travel over a given distance, but the cost is the trouble. I think the rules even now give Power to magistrates in some cases to give batta but am not sure about that.

Paramasiva Iyer J. — Yes.

G. R. S. VI—G/32] 1/2 23/3

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, the 191

Date of issue 26-3-1918

Signed by Md G Sri Nivasan
Supdt

Section —
File No.
Serial No. 1

No. J 3978
" J 3979

To

The Superintendent
Govt Printing Press
(1) Trivandrum
(Travancore State)
(2) Ernaculum
(Cochin State)

Sir,

I am directed to request you to be so good as to forward per V.P Post a copy of the Criminal Rules of Practice in force in the Travancore State.
Cochin

I have
&c
for Chief Secy

over.

28/3
23/3

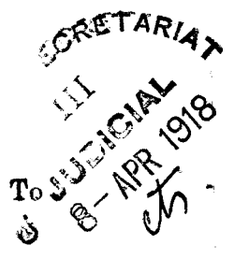
Letter R. O. C. No 2567 of 18
Dated 3-4- 1918

G. P. Form No. 17.
G. P. T. 1270. 6000. 3-9-91

GOVERNMENT PRESS.
TRIVANDRUM.

ENCLOSURES:—

FROM



W. J. BECK Esq.,

SUPERINTENDENT,

GOVERNMENT PRESS.

To THE C.S. Balasundaram Iyer, Esq., B.A.,

Chief Secretary to the Government of His Highness the Maharaja of Mysore.

Sir,

With reference to your letter No. J.3978 dated 26th March 1918, I have the honor to inform you that the publication you require is not available in the Press for sale. I am sending you, under separate cover, a copy of the catalogue of Publications available for sale at present.

I have the honor to be,

Sir,

Your most obedient Servant,

For Superintendent.

Examined by

File No. 216-17

Serial No. 3

Diary No. of letter replied to _____

No. J 4414

General and Revenue Secretariat

To The Registrar, Chief Court of Mysore.

Date of issue 3/5/18

Signed by W. G. Greenwood

Sir,

I am directed to invite your attention to subject No. 93 of the Proceedings of the Representative Assembly of October 19..17.....and the reply of ~~Government thereto~~ in the matter of payment of batta to witnesses and ~~to state that Govt intend to introduce~~ the ~~rules in force in British India on the subject. I am therefore~~ and to request you to be so good as to favour Govt. with the opinion of the Chief Court ~~your opinion~~ in the matter at an early date, ~~and I am also to request~~ I am also to request the opinion of the Chief Court on the ~~points~~ rules in force in Madras Presidency in this matter.

I have, etc.,

3/5/18

For Chief Secretary to Govt.

List of enclosures _____

Drafted by _____

Copied by _____

Examined by _____

29/4/18

GPB—500—7-11-11

R.O.C. No. 689 of 1917-18.

Chief Court of Mysore,
Bangalore, the 8th May 1918.

02318 G. REC. 13 MAY 1918

From

N.T. GOPALIENGAR, ESQUIRE, B.A., LL.B.,
Registrar of the Chief Court of Mysore,
Bangalore.

To

GEN. & REV. SECRETARIAT III JUDICIAL 13 MAY 1918

C.S. BALASUNDARAM IYER, ESQUIRE, B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

Sir,

Adverting to your letter No. J.4414/Cts. dated the 3rd instant, I am directed to request to be informed whether the Subject referred to therein is not No.96 of the General Subjects of October 1917, as Subject 95 of the Proceedings of the Representative Assembly of October 1917 mentioned therein relates to some matter other than to the payment of batta to witnesses.

I have the honor to be,
Sir,
Your most obedient servant,

N. Gopaliengar

REGISTRAR.

D.L.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section e&
File No. 216-17
Serial No. 5

GENERAL AND REVENUE SECRETARIAT

( )

, the *191*

No. f 4691

Date of issue 17/5/18

To

The Registrar, Chief Court

of Mysore

Signed by M. G. Srinivasan

Sir,

With reference to your letter no. R.O.C 689 of the 11th instt, I am directed to state that the subject "Batta to witnesses" is no. 95 of the General Subjects brought for discussion at the R. A. meetings of October 1917 & is shown as subject no. 15 among those not taken up for discussion (vide page 57 of the R. A.

over.

ings goct 1917).

I am also to add that this
~~was brought up for discussion~~
bears
~~April Session~~ no. 62 in the
to brought up for discussion in the last

I have Etc

~~for~~ Chief Secy

List of enclosures.

Copied by

Examined by

W D86—G P B—60,000—15-11-16

R.C.C.No. 689/17-18.

D. 43.

29 JUN 1918

Chief Court of Mysore,

Bangalore, dated the 27th June 1918.

(7043)

From

N.T.Gopaliengar, Esq., B.A., LL.B.,
Registrar of the Chief Court of Mysore.

To

C.S.Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of Mysore.

S i r,

In reply to your letter No.J.4414/Cts. dated the 3rd May 1918 requesting to favour Government with the opinion of this Court in the matter of payment of batta to witnesses and on the rules in force in the Madras Presidency in this matter, I am directed to state that this Court has been collecting information on the subject.

I have the honor to be,
S i r,
Your most obedient servant,

N. Gopaliengar

R E G I S T R A R.

HCC.

R.O.C. NO: 689 / 1917 - 18. 19 20.

Cts.

• 216-17

CHIEF COURT OF MYSORE.

Bangalore, dated 15th March 1920.

17/3

24933

From

G. Sreenivasa Iyer, Esquire, B.A.,M.L.,

Registrar of the Chief Court of Mysore,

B a n g a l o r e.

To

C. S. Balasundaram Iyer, Esquire, B. A.,

Chief Secretary to the Covernment of Mysore,

B a n g a l o r e.

S I R,

Adverting to your letter No. J. 4414 / Cts. dated the 3rd May 1918 inviting attention to subject No. 95 of the Proceedings of the Representative Assembly of October 1917 in the matter of payment of batta to witnesses in Criminal cases and requesting the opinion of the Chief Court thereon and also on the rules in force in the Madras Presidency on the same subject, I am directed to state that the Judges are of opinion that complainants and witnesses who attend Criminal courts in the State should be paid expenses incurred by them, whether they come from outside the State or from within the State; provided that if they come from within a radius of three miles from the court house, they should be paid neither batta nor travelling allowance.

Further, the Judges are of opinion that, as in Madras, batta should be paid (1) in cases in which the prosecution is instituted or carried on by, or under the orders, or with the sanction of Government, or by any Judge, Magis-

trate

Magistrate or other public officer, or when it shall appear to the Judge or Magistrate presiding over such courts to be directly in furtherence of the interests of public justice; (2) in cases entered in column 5 of the schedule II, appended to the Code of Criminal Procedure, as not bailable; and (3) in all cases in which the witnesses are compelled to attend by a Magistrate under the provisions of Chapter XLVI of the Code (i.e., section 540).

As regards the scale of rates, I am to state that the rates fixed in the Mysore Government Order No. J. 3002 - 12 / Cts. 29 - 07 - 13 dated the 28th March 1908, may be adopted.

In regard to the allotment that will have to be made for payment to witnesses, I am to state that only an approximate estimate can be suggested, at present. During 1917 - 18, the number of witnesses that attended the Criminal courts in the State was 1,25,752 of whom one-third only were actually examined. Taking the proportion at 6 annas per witness, the allotment that will be required for the next official year will be about Rs. 20,000 for about 50,000 witnesses.

I am to add that if the Government are pleased to approve the above suggestions, detailed rules will be framed and submitted in due course.

I have the honour to be,

S i r,

your most obediert servant,

E S [illegible]

REGISTRAR.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to 1711

GENERAL AND REVENUE SECRETARIAT

( )

, the *191*

Date of issue 10/5

Signed by W Pace

Section 66

File No. 216-17

Serial No. 8

No. G 25695

To

The Registrar, Chief Court-

Sir

With reference to Correspondence ending with Govt letter no R.O.6.689 dt 15/12 March 1917-18 regarding payment of batta to witnesses in Criminal Cases, I am directed to state that the question may be deferred for the present on account of financial stringency

I have etc

D. Ewart 19/4/1

for Secy

over.

Title 16/4

Ans 15/4